

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Application Manitowoc Public Utilities for an
Exemption from the Railroad Track Clearance
Law of Structures in the City of Manitowoc, Manitowoc County

9164-RV-632

NOTICE OF INVESTIGATION, FINDINGS OF FACT AND ORDER

On November 30, 2005, Manitowoc Public Utilities filed an application with the Office of the Commissioner of Railroads under section 192.53, Wis. Stats., and sections RR 2.15 and RR 2.16, Wis. Adm. Code, for an exemption from the railroad track clearance laws of structures located at the power generation plant located at 1303 South Eighth Street in the City of Manitowoc. The petitioner has an existing pipe rack and structural support system that has a minimum vertical clearance of 21 feet 0 ½ inches above top of rail. The petitioner and the Wisconsin Central Ltd. entered into a stipulation regarding the restricted vertical clearance, therefore no hearing is required. The horizontal clearance is a minimum of 8 feet 6 inches from track centerline on both side of the tracks.

Findings of Fact

THE COMMISSIONER FINDS:

Manitowoc Public Utilities has petitioned the Office of the Commissioner of Railroads for exemption of the vertical clearance requirements at its power generation plant to accommodate an overhead pipe rack and its structural supports. The track is tangent and level in the area of close clearance. The point of restricted clearance is on a through track, with approximately 800 hopper cars per month switched at the location. The area is illuminated by flood lights, and a "no clearance" sign is located on the approach. The installation of telltales at this location would be impractical.

Wisconsin law requires a minimum of 23 feet vertical clearance. The petitioner seeks exemption from this requirement.

Continued maintenance of the pipe rack and support structure will not imperil life and limb, and the public interest permits such construction.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the Office has jurisdiction under section 192.53, Wis. Stats., and sections RR 2.15 and 2.16, Wis. Adm. Code, to grant the requested exemption, and such an appropriate order should be entered in accordance with the above Findings of Fact.

Order

THE COMMISSIONER THEREFORE ORDERS:

1. That an exemption from the railroad clearance and telltale requirements of section 192.53, Wis Stats., and sections RR 2.15 and RR 2.16, Wis Adm. Code, is hereby granted.
2. That the clearance authorized, is a minimum vertical clearance of 21 feet 0 1/2 inches from top of rail to the pipe rack and supports
3. That jurisdiction is retained.

Dated at Madison, Wisconsin, this 10th day of March, 2006.

By the Office of the Commissioner of Railroads

Rodney W. Kreunen, Commissioner